

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

GREAT AMERICAN INSURANCE  
COMPANY

vs.

CIVIL ACTION NO. 3-07CVO924-O  
ECF

AFS/IBEX FINANCIAL SERVICES, INC.  
Defendant/Counter-Plaintiff

vs.

GREAT AMERICAN INSURANCE  
COMPANY

**AFS/IBEX FINANCIAL SERVICES, INC.'S AMENDED EXHIBIT LIST**

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
1.	Skipped							
2.	Texas Windstorm Insurance Association Web Application and Premium Assignment Clause (Representative Sample of all applications submitted to AFS/IBEX by Charles McMahon Jr.) Dated- 11.14.2005. J.M. Tractor- 812 Marshall, Freeport, Texas.	Charles McMahon, Sr. No.2; AFS/IBEX 00285-86	Don Rogers Charles McMahon Jr.; Charles McMahon Sr.	X	X			

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
3.	Premium Finance Agreement-Dated 11/15/05. J.M. Tractor, 106790 Bexley Drive, Houston, Texas. (Sample of all Premium Finance Agreements submitted to AFS/IBEX by Charles McMahon Jr.)	Charles McMahon, Sr. No.3; AFS/IBEX 00279-80	Charles McMahon Jr.; Charles McMahon Sr.; Don Rogers	X	X			
4.	Electronic Transmission Agreement	Charles McMahon, Sr. No.4	Charles McMahon Jr.; Charles McMahon Sr.; Don Rogers	X	X			
5.	Skipped							
6.	Assumed Name Records Certificate of Ownership for Unincorporated Business or Profession	Charles McMahon, Sr. No.6; 002006	Self-Authenticating Charles McMahon Jr.; Charles McMahon Sr.	X	X			
7.	Charles McMahon, Sr. Affidavits of Forgery to JP Morgan Chase	Charles McMahon, Sr. No.7; AFS/IBEX 04797-4906	Charles McMahon Sr.; Jay Scheideman	X		X		

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
8.	Checks payable to Charles McMahon Insurance Agency drawn on AFS/IBEX account. Endorsed as written and deposited into Charles McMahon Jr.'s business checking account. Generated by fraudulent applications for insurance using Texas Windstorm apps. All payments made by AFS/IBEX Financial Services to Charles McMahon Insurance Agency for fraudulent claims	Charles McMahon, Sr. No.8; App.102-214	Don Rogers	X	X			
9.	Check #12661 Drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.9; (App.216) GA000312	Don Rogers	X	X			
10.	Check #131622 drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.10; (App.217) GA345	Don Rogers	X	X			
11.	Check #132175 drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.11; (App 218) GA346	Don Rogers	X	X			
12.	Check # 132176 drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.12; GA347 (App.219)	Don Rogers	X	X			

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
13.	Check #132242 drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.13; (App.220) GA348	Don Rogers	X	X			
14.	Checks #139375; 139486; 139487; 139691; 139692; 139715; 139716; 139717 drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.14; (Appendx. 221-228) GA000387-304	Don Rogers	X	X			
15.	Checks 121670; 122010; 122011 drawn on AFS/IBEX Financial Services, Inc. payable to Charles McMahon Insurance Agency	Charles McMahon, Sr. No.15; GA155-56	Don Rogers	X	X			
16.	Signature card for McMahon Insurance Services Account *7644; 04.06.1998.	Charles McMahon, Sr. No.16; 002009-10	Charles McMahon Jr.; Charles McMahon Sr.	X	X			
17.	Signature card for Charlie McMahon Insurance Agency Account *8077; Dated-04.12.1994.	Charles McMahon, Sr. No.17; 002007-08	Charles McMahon Sr.	X	X			
18.	Signature card for Charlie McMahon Insurance Agency Account *1668	Charles McMahon, Sr. No.18	Charles McMahon Sr.	X	X			
19.	Summary of payments made by AFS/IBEX for fraudulent claims; opened 11.17.2002.	Charles McMahon, Sr. No.19; 002011-12	Don Rogers		X			
20.	SAA Policy No. 268-75-98-03	App.232-268	Jay Scheideman Richard Searcy; Don Rogers	X	X			

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
21.	CRP Policy No. 268-75-98-02	App.269-298	Jay Scheideman Richard Searcy		X			
22.	Skipped							
23.	Great American renewal application requesting the same coverage; Dated no date.	S. Gover No. 11 000483-84	Stan Gover	X	X			
24.	07/21/05 Fidelity/Crime Department Renewal Worksheet with comment	00579	Stan Gover	X		X		
25.	SAA letter regarding simplified structure of CRP.	001084-85	Stan Gover			X		
26.	Section by Section Comparison of Crime Protection Policy w/ Commercial Crime Policy.	Stan Gover No.16	Stan Gover			X		
27.	09/14/06 Email from S.Gover asking B. McCaw for signed application	S. Gover No. 13 000882	Stan Gover	X		X		
28.	03/21/06 letter to B.McCaw - Invoice referencing CRP (not SAA) policy	S. Gover No. 13 000885	Stan Gover	X		X		
29.	Emails between B. McCaw and S. Gover asking about changes to policy	S. Gover No. 13 000887-88	Stan Gover	X		X		
30.	03/09/06 Email from S. Gover to B. McCaw regarding quotes and assuring that the new form does not take anything away	S. Gover No. 13 000889	Stan Gover	X	X			

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
31.	03/08/06 Email from B. McCaw to S. Gover regarding submission to renew and request for quote	S. Gover No. 13 000893	Stan Gover	X		X		
32.	01/05/06 Letter from S. Gover to C. Noone with renewal application specimen policy and statement that intent is to provide same terms and conditions as expiring – just the format revised	S. Gover No. 9 000895	Stan Gover	X	X			
33.	Claim Notice; 06.30.06	R. Searcy No. 3 000452	Don Rogers	X	X			
34.	Declarations page faxed with notice and email synopsis sent with fax. Policy #268-75-98 Renewal of CRP 269-75-2006	R. Searcy No. 3 000453-54	Jay Scheideman	X	X			
35.	Copy of R. Searcy's notes stating claim was received 06/30/06 in another wrong department	R. Searcy No. 4 000451	Richard Searcy	X	X			
36.	07/10/06 fax from R. Searcy to William Rigg-dated 6.30.2006.	R. Searcy No. 5 000449-50	Richard Searcy	X	X			
37.	R. Searcy's adjusting notes	R. Searcy No. 6 000448	Richard Searcy; Don Rogers	X	X			
38.	07/10/06 Emails regarding claim; From Frank Scheckton to Stan Gover.	R. Searcy No. 7 000981-82	Richard Searcy; Stan Gover; Don Lipper; Bill Marston	X	X			
39.	Pro claim clerical instructions; 07.10.2006.	R. Searcy No. 8 000983	Richard Searcy	X		X		

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
40.	Draft ROR; 07.12.2006.	R. Searcy No. 9 000446-47	Richard Searcy	X	X			
41.	R. Searcy's claim notes	R. Searcy No. 10 000445	Richard Searcy	X	X			
42.	07.13.2006 Fax cover and sample check	R. Searcy No. 11 000443-44	Don Rogers; Richard Searcy	X	X			
43.	07/18/06 Email cover with ROR	R. Searcy No. 13 000976	Don Lipper	X	X			
44.	07.18.2006. ROR	R. Searcy No. 14; 000973-75	Don Rogers; Richard Searcy; William Marston	X	X			
45.	07/21/06 Email from R. Searcy to B. Henry regarding absence of a covered claim	R. Searcy No. 12 000971-72	Bill Henry; Richard Searcy	X	X			
46.	07/19/06 Cover email from B. Henry to R. Searcy	R. Searcy No. 15 000432-33	Bill Henry; Richard Searcy	X	X			
47.	TWIA web app - Attachment to B. Henry email 07/19/06	R. Searcy No. 15 000434	Bill Henry; Richard Searcy	X	X			
48.	Attachment to Henry email 07/19/06 Premium Assignment Clause	R. Searcy No. 15 000435	Bill Henry; Richard Searcy	X	X			
49.	08/25/06 Email from P. Poirier to D. Lipper looking for SAA application	R. Searcy No. 16 000970	Don Lipper; Richard Searcy	X	X			
50.	8/18/06 Final captioned report from R. Searcy	R. Searcy No. 17 000425-26	Richard Searcy; Bill Henry	X	X			
51.	02/05/07 Email chain regarding opening claim	R. Searcy No. 20 000946-47	Don Lipper; Richard Searcy; Bill Marston	X	X			

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
52.	Cont. email regarding re-opening claim	R. Searcy No. 21 W. Marston No. 10 000964-67	Bill Henry ; Don Lipper; Richard Searcy; Bill Marston	X	X			
53.	02/07/07 ROR letter	R. Searcy No. 22 000261-62	Bill Henry ; Don Lipper; Richard Searcy	X	X			
54.	Skipped	000252-254	Don Rogers Richard Searcy	X	X			
55.	Insurance Fraud Warning Statement	000255-56	Richard Searcy	X	X			
56.	Blank Forgery affidavit	000257	Don Rogers Richard Searcy	X	X			
57.	Great American Proof of loss Forgery	000258	Don Rogers Richard Searcy	X	X			
58.	Great American Proof of loss Fidelity	000259-60	Don Rogers Richard Searcy	X	X			
59.	03/08/07 Email from R. Searcy to B. Henry reminding that proof of loss due is in 30 days	R. Searcy No. 23 000263	Bill Henry Richard Searcy	X	X			
60.	Emails between Bill Henry and Richard Searcy regarding proof of loss	R. Searcy No. 24 000415-17	Bill Henry Richard Searcy Jay Scheideman	X	X			
61.	April 2007 Monthly report	R. Searcy No. 25 2002	Bill Henry		X			
62.	04/05/07 Proof of loss cover letter	R. Searcy No. 28 000281	Don Rogers John Holsan Richard Searcy	X	X			
63.	02.23.2008. Signed proof of loss from AFS/IBEX to Great American	R. Searcy No. 28 000282-83	Don Rogers John Holsan Richard Searcy	X	X			
64.	Original petition attached to proof of loss; AFS/IBEX v. Charles Owen McMahon Jr, SR., and J.P. Morgan Chase	R. Searcy No. 28 000266-79	Self-Authenticating; Charles McMahon, Sr.	X		X		



No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
65.	04/10/07 Email from R. Searcy to Claim Document acknowledging 04/06/07 receipt of proof of loss	000264	Richard Searcy	X	X			
66.	04/09/07 Email from Richard Searcy to Bill Henry acknowledging receipt of proof of loss	R. Searcy No. 29 2003	Bill Henry Richard Searcy	X	X			
67.	05/01/07 Email from Richard Searcy to Bill Henry requesting premium finance agreement applications	R. Searcy No. 30 2000	Bill Henry Richard Searcy	X	X			
68.	05/02/07 Cover letter from Susan Shannon to Richard Searcy enclosing premium finance agreements; received 05/08/07	R. Searcy No. 31 000005	Don Rogers Richard Searcy	X		X		
69.	08/29/2005. Premium finance agreement-James Blackstone, 8815 Shore Line Drive, Freeport, Tx.	R. Searcy No. 31 000006-7	Don Rogers Charles McMahon, Jr. Richard Searcy	X		X		
70.	05/23/07 Letter from Richard Searcy to John Holsan denying the coverage and notifying AFS/IBEX of the declaratory judgment action filed	R. Searcy No. 32; W. Marston No. 5 000001-03	Don Rogers Richard Searcy	X	X			
71.	Excerpts from <u>Financial Institution Bonds</u>	R. Searcy No. 33	Richard Searcy		X			
72.	02/13/08 Letter from Richard Searcy to John Holsan	R. Searcy No. 34 W. Marston No.6	Richard Searcy	X	X			
73.	Check No. 119652 from AFS/IBEX to Charles McMahon Insurance Agency	App. 91			X			

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
74.	Demonstrative exhibit – timelines with theories of denial		Rebecca Furr		X			
75.	Demonstrative exhibit – comparative claim reports and known facts				X			
76.	Charles McMahon Jr.'s payments on fraudulent premium finance accounts		Don Rogers		X			
77.	AFS/IBEX Internal Proof of McMahon, Jr.'s payments on fraudulent accounts	AFS/IBEX 01563-64, 01600-01, 01634-35, 01657-58, 01683-84, 01712-13, 01739-40, 01764-65, 00108-09 01790-91, 01817-18, 01847-48, 01874-75, 01904-05, 01930-31, 01958-59, 01984-85, 02009-2010, 2025-26, 02051-52, 02075-76, 02101-02, 02127-28, 02150-51, 02175-76, 02204-05, 02228-29, 02252-53, 02284-85, 02308-09,	Don Rogers	X	X			

		02334-35, 02361-62, 02385-86, 02411-12, 02436-37, 02463-64, 02490-91, 02513-14, 02541-42, 02564-65, 02586-87, 02610-11, 02636-37, 02661-62, 02684-85, 02708-09, 02731-32, 02757-58, 02782-83, 02804-05, 02828-29, 02848-49, 02867-68, 02892-93, 02915-16, 02937-38, 02957-58, 02978-79, 03000-01, 03022-23, 03046-47, 03066-67, 03088-89, 03111-12, 03138-39, 03166, 03193- 94, 03215-16, 03237-38, 03270-71, 03295-96, 03321-22, 03341, 03371- 72, 03394-95, 03424-25, 03449-50, 03475-76, 03500-01,					
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		03524-25, 03548-49, 03571-72, 03593-94, 03618-19, 03643-44, 03663-64, 03688-89, 03712-13, 03759-60, 03784-85, 03805-06, 03825-26, 03852-53, 03879-80, 03928-29						
No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
78.	Fee statements and agreement for legal services provided by Dedman & Handschuch		Linda Dedman			X		
79.	Fee statements and expenses associated with Chase suit provided by Thompson Coe	Future costs and expenses	John Isbell			X		
80.	Rule 1006 Summary Table		Don Rogers		X			
81.	Responses to Interrogatories to Great American				X			
82.	Great American Admissions				X			
83.	Web Fax Request reopening file	R. Searcy 19, 000457	Richard Searcy		X			
84.	Fidelity and Crime Division Organizational Chart 3/4/08		Richard Searcy William Marston		X			
85.	Skipped							
86.	Skipped							

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
87.	All documents produced as a result of AFS/IBEX's Motion to Compel including R. Searcy's copy of industry literature, his performance reviews, Standard Funding documents and any documents Great American withheld that are not entitled to privilege asserted		Richard Searcy		X			
88.	Skipped							
89.	Great American's Financial Information	W. Marston No. 12 2099	Richard Searcy William Marston		X			
90.	American Financial Group, Inc. 10-K Report for Fiscal Year Ended December 31, 2007		Richard Searcy W. Marston Jay Scheideman Don Rogers		X			
91.	Definitions of forge and forgery, New World Dictionary of American English, Third College Edition (1988)		Richard Searcy William Marston Rebecca Furr		X			
92.	R. Searcy's notes regarding timeline		Richard Searcy		X			
93.	R. Searcy Resume		Richard Searcy			X		
94.	Comparison of loans with premium finance agreements	1098-1099	Richard Searcy			X		
95.	Wm. Rigg Co. Disbursement Summary and Invoice of Boswell International for investigative services		Don Rogers		X			
96.	Texas Dept. of Insurance profile of Great American Insurance Company		Richard Searcy			X		

No.	Description	Deposition Exhibit & Bates Numbers	Witness	Pre-Admitted	Expect to offer	Will offer only if need arises	Offered	Accepted
97.	8/17/07 Emails between B. Henry and R. Searcy	002297-002301	Bill Henry Richard Searcy		X			
98.	8/18/2006 Email from R. Searcy to P. Poirier regarding closing the claim and Pro Miscellaneous Claims Transactions forms	002302 - 002304	Richard Searcy		X			
99.	February 29, 2008 Affidavit of R. Searcy	GA418-422	Richard Searcy William Marston		X			

Respectfully Submitted,

**DEDMAN & HANDSCHUCH**

By: s/ Linda M. Dedman

Linda M. Dedman

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Elizabeth A. Handschuch

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### **CERTIFICATE OF SERVICE**

I hereby certify that Russell Joseph Bowman, Counsel for Plaintiff, is a registered ECF user and pursuant to Local Rule 5.1 and Federal Rule of Civil Procedure 5(b)(2)(D) will be served through delivery of the automatically generated ECF notice on August 18, 2008.

s/Linda M. Dedman

Linda M. Dedman